



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,958	07/08/2005	Benito Sevillano Gil	CUC-138	8159
20311 7590 05/27/2009 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
TRAN, HANH VAN				
ART UNIT		PAPER NUMBER		
3637				
MAIL DATE		DELIVERY MODE		
05/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,958

Applicant(s)

SEVILLANO GIL, BENITO

Examiner

HANH V. TRAN

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 1/26/2009.

Claim Objections

2. Claims 2-10 are objected to because of the following informalities: (1) each claims 2-10, line 1, "file cabinets" should be "a filed cabinet", (2) throughout the claims, each instance of "the said" should be either "the" or said", (3) claim 1, line 17, "a end ramp" should be "an end ramp". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The preamble in claim 1 clearly indicates that a subcombination is being claimed, i.e., "[A] blocking system for a file cabinet comprising..." This language would lead the examiner to believe that the applicant intends to claim only the subcombination of a blocking system, the file cabinet being only functionally recited. This presents no problem as long the body of the claim also refers to the file cabinet functionally. The problem arises when the file cabinet is positively recited within the body of the claim, such as on line 8, "a support platen fastened to the file cabinet. In this case there is an inconsistency within the body of the claim. The preamble indicates subcombination,

while in the body of the claim in at least one instance there is a positive recital of structure indicating the combination of a blocking system and a filed cabinet is being claimed. The examiner cannot be sure if applicant's intent is to claim merely the blocking system or the blocking system in combination with the file cabinet. Applicant is required to clarify what the claim is intended to be drawn to and the language of the claim is amended to be consistent with the intent. For the purpose of this examination, the examiner is considering that the claims are drawn to the combination of a blocking system and a file cabinet.

6. Claim 1, line 12, the limitation of the two emerging bolts can move linearly on the said groove-rail is vague, thus indefinite for failing to clearly define how the emerging bolts move on the groove-rail; it appears that the two emerging bolts move linearly within the groove-rail.

7. Claim 1, last clause, since the claim recited just one "pull shaft", "support plate", "mobile blocking element", it is not clear how suddenly in the last clause, the mobile blocking elements being pulled to lock "other drawers", "such that opening one drawer prevents all others from being opened". Should applicant elect to amend the claim in order to obviate this rejection, then in claim 1, "pull shaft" "support plate", and "mobile blocking element" should all be in plural form.

8. Claim 2, the term "in same dimension" fails to clearly define the metes and bounds of the claimed invention, thus indefinite; it is not clear what applicant is trying to claim here, each has a same dimension?

9. Claim 3, since claim 1 recited that the mobile arms has an end ramp, the recitation in claim 3 of one of the mobile arms "has an end ramp" renders the claim indefinite for failing to clearly define whether it is the same or different from the end ramp of claim 1.
10. Claim 4, since claim 1 recited just one support platen, the recitation on line 3 of "each support platen" infers there are more than one support platen, thus lacks antecedent basis and indefinite.
11. Claim 9 and 10, since claim 1 recited two bolts, the recitation in claim 9 and 10 of the bolt which faces the pull shaft is vague and indefinite for failing to clearly define facing the pull shaft in which position, open? intermediate? or closed?

Allowable Subject Matter

12. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
13. Claims 2-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
14. The applicant is strongly urged to contact the examiner with any questions or comments regarding the above-noted rejections.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wright, Chiku, Derle et al, Kruse et al, Mitchell et al, Walla, and Young all show structures similar to various elements of applicant's disclosure.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH V. TRAN whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT
May 25, 2009

/Hanh V. Tran/
Primary Examiner, Art Unit 3637